

Keith D. Karnes, OSB # 03352
kkarnes@olsendaines.com
Olsen, Olsen & Daines, LLC
1599 State St.
P.O. Box 12829
Salem, OR 97309-0829
Telephone (503) 362-9393
Fax (503) 362-1375

FILED 08 JAN 24 12:10 USDC-ORM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TANIA R. SIMPKINS,

Plaintiff,

v.

PALISADES COLLECTION, LLC;

Defendants.

Case No. 08-3011-CL

COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION
PRACTICES ACT

JURY REQUESTED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendants transact business here.

PARTIES

4. Plaintiff Tania K. Simpkins is a natural person who resides in the City of Grants Pass, in the State of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Palisades Collection, LLC is a collection agency operating from an address of 210 Sylvan Ave., Englewood Cliffs, NJ 07632 and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. In May of 2001 Plaintiff’s mother obtained a land line through Verizon using Plaintiff’s personal information when Plaintiff was seventeen years old.

7. Plaintiff’s mother used the land line for her own personal use.

8. Plaintiff’s mother defaulted on her payments and owed not more than \$294.13.

9. Verizon Wireless sold, assigned, or otherwise transferred the debt to Defendant.

10. Plaintiff questioned Defendant why she was held responsible, and informed Plaintiff that she did not owe the debt.

11. Defendant reported to the credit reporting agencies that Plaintiff owed Defendant the debt owed to Verizon. See Exhibit 1.

12. With the intent to raise her credit score and stop Defendant’s collection efforts Plaintiff paid Defendant for the debt using a personal check.

13. About 30 days after she made the payment to Defendant, Defendant had not credited the payment to her account and Plaintiff again paid for the debt using a telephone payment.

14. Defendant cashed Plaintiff’s personal check payment and telephone payment.

15. Defendant has failed to refund Plaintiff's duplicate payment.

16. As a direct and proximate result of defendants' actions plaintiff has suffered actual damages in the form of inability to obtain credit and emotional distress, anger, anxiety, worry, frustration, among other negative emotions.

TRIAL BY JURY

17. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

18. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

19. The foregoing acts and omissions of Palisades constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692d, 1692e, 1692e(2), 1692e(5), 1692e(8), 1692e(10), 1692f, 1692f(1), and 1692f(5).

20. As a result of Palisade's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Palisades;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A)
against Palisades;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. §
1692k(a)(3) against Palisades;

DATED: December 13, 2007

Olsen, Olsen & Daines, LLC

A handwritten signature in black ink, appearing to read 'Keith D. Karnes', with a long horizontal flourish extending to the right.

Keith D. Karnes, OSB # 03352
Attorney for Plaintiff


JAN 17 2008

VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

I, Tania R. Simpkins, swear under penalty of perjury that to the best of my knowledge:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. I have provided my attorneys with true and correct copies of each and every exhibit which has been attached to this Complaint.
7. I have not altered, changed, modified, or fabricated the attached exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

DATED: 01-10-08


Tania R. Simpkins

ALERT: OF CONSUMER BEFORE GRANTING CREDIT.
 ALERT: FACTA: Address Discrepancy - TU_ALERT:SUBJECT - PREVIOUS ADDRESS INPUT VALUE DOES NOT MAT. VERIFY IDENTITY OF CONSUMER BEFORE GRANTING CREDIT.
 ALERT: FACTA: Risk Score Value - The Trans Union Empirica score. was adversely affected by credit inquiries present in the credit file.
 ALERT: FACTA: Risk Score Value - The Equifax Beacon5.0 score. was adversely affected by credit inquiries present in the credit file.
 SAFESCAN: YOUR INQUIRY HAS GONE THROUGH OUR SAFESCAN DATABASE.
 ALERT: FACTA: Risk Score Value - The Experian FairIsaac score. was adversely affected by credit inquiries present in the credit file.
 ALERT: FACTA: Address Discrepancy - TU_ALERT:SPOUSE - CURRENT ADDRESS INPUT VALUE DOES NOT MATCH. VERIFY IDENTITY OF CONSUMER BEFORE GRANTING CREDIT.
 ALERT: FACTA: Address Discrepancy - TU_ALERT:SPOUSE - PREVIOUS ADDRESS INPUT VALUE DOES NOT MATC. VERIFY IDENTITY OF CONSUMER BEFORE GRANTING CREDIT.

FILE VARIATIONS

REPOSITORY SOURCE	NAME	SSN	Date Of Birth
CB01	TANIA SIMPKINS	[REDACTED]	[REDACTED]
CB02	TANIA PEAKER	[REDACTED]	[REDACTED]
RB01	TANIA R SIMPKINS	[REDACTED]	[REDACTED]
TB01	TANIA RENEE SIMPKINS	[REDACTED]	[REDACTED]
CC01	DANIEL C SIMPKINS	[REDACTED]	[REDACTED]
RC01	DANIEL C SIMPKINS	[REDACTED]	[REDACTED]
TC01	DANIEL C SIMPKINS	[REDACTED]	[REDACTED]

PUBLIC RECORDS

PUBLIC RECORDS HAVE BEEN CHECKED FOR JUDGMENTS, BANKRUPTCIES AND OTHER LEGAL ACTIONS INVOLVING THE SUBJECT AND/OR SPOUSE FROM THE REPOSITORIES LISTED ABOVE WITH THE FOLLOWING RESULTS

TRADELINES

CREDITOR	DATE OPENED	DATE REVIEWED	ECOA	HIGH CREDIT LIMIT	CURRENT RATING	ACCOUNT TYPE	MONTHS REVIEWED	30	60	90	PAST DUE	PAYMENT	BALANCE
PALISAD COLL PALIVERIZN	2006-08	2007-06	Indv.	294	Collection	Open					294		294
	DELINQUENCY DATES	DATE LAST ACTIVE	SOURCE	TERMS	PAYMENT PATTERN START DATE	LOAN TYPE	PAYMENT PATTERN						
		2007-06	TB01			Unknown Loan Type							

ORIGINAL CREDITOR NAME: 10 VERIZON NORTHWEST INC COMMENTS : ORIGINAL CREDITOR: 10 VERIZON NORTHWEST INC; COLLECTION ACCOUNT;

CREDITOR	DATE OPENED	DATE REVIEWED	ECOA	HIGH CREDIT LIMIT	CURRENT RATING	ACCOUNT TYPE	MONTHS REVIEWED	30	60	90	PAST DUE	PAYMENT	BALANCE
PALISADES VERIZ-IVERIZN		2007-03	Indv.	294	Collection	Open					294		294
	DELINQUENCY DATES	DATE LAST ACTIVE	SOURCE	TERMS	PAYMENT PATTERN START DATE	LOAN TYPE	PAYMENT PATTERN						
		2001-05	CB02			Unknown Loan Type							

COMMENTS : COLLECTION ACCOUNT;

CREDITOR	DATE OPENED	DATE REVIEWED	ECOA	HIGH CREDIT LIMIT	CURRENT RATING	ACCOUNT TYPE	MONTHS REVIEWED	30	60	90	PAST DUE	PAYMENT	BALANCE
CAPITAL 1 BK	2005-08	2007-06	Indv.	914	As Agreed	Revolving	23	2	2	5	0		0
	DELINQUENCY DATES	DATE LAST ACTIVE	SOURCE	TERMS	PAYMENT PATTERN START DATE	LOAN TYPE	PAYMENT PATTERN						
	2006-06 2007-02 2007-02 2007-01 2006-12	2007-03	CC01 RC01 TC01		2007-06	Credit Card	XCC-----CCCC-----CCCCC						

COMMENTS : CURRENT ACCOUNT/WAS DELINQUENT 150 DAYS PAST DUE DATE.; LAST REPORTED DELINQUENCIES: 02/2007=R5,01/2007=R4,12/2006=R3; ACCOUNT CLOSED AT CONSUMER'S REQUEST; CREDIT CARD; ACCOUNT CLOSED BY CONSUMER;

CREDITOR	DATE OPENED	DATE REVIEWED	ECOA	HIGH CREDIT LIMIT	CURRENT RATING	ACCOUNT TYPE	MONTHS REVIEWED	30	60	90	PAST DUE	PAYMENT	BALANCE
	2007-03	2007-05	Joint	15900	As Agreed	Installment	3	0	0	0	0	296	16050
	DELINQUENCY	DATE LAST	SOURCE	TERMS	PAYMENT PATTERN	LOAN	PAYMENT PATTERN						

EXHIBIT

PAGE 1 OF 1